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9 UNITED STATES DISTRICT COURT

10 FOR THE

11 NORTHERN MARIANA ISLANDS

12 LAW OFFICE OF

CIVIL ACTION NO. 07-0020

13 DOUGLAS F. CUSHNIE,
14 a sole proprietorship, and
15 DOUGLAS F. CUSHNIE,
16 individually,

MOTION OF DEFENDANT AND THIRD
PARTY PLAINTIFF BANK OF HAWAII
FOR DEFAULT JUDGMENT AGAINST
THIRD PARTY DEFENDANT LUCY M.
DL GUERRERO

Plaintiffs,

17 vs.

18 BANK OF HAWAII, and
MARY ROE and JOHN DOE,

19 Defendants.

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21 BANK OF HAWAII,

22 Third-Party Plaintiff,

23 vs.

24 LUCY M. DL GUERRERO,

25 Third-Party Defendant.

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Comes now the Defendant and Third Party Plaintiff Bank of Hawaii and moves this court for judgment by default against Third Party Defendant Lucy M. DL Guerrero. In support of said Motion Defendant and Third Party Plaintiff shows as follows:

1. A Third Party Complaint was filed against Lucy M. DL Guerrero on October 25, 2007.
 2. A copy of the Summons and Third Party Complaint were personally served on the Third Party Defendant on November 3, 2007; a copy of the Return of Service is attached hereto marked as Exhibit A and included herein by reference.
 3. No answer or other defense has been filed by the Third Party Defendant and the time to file an answer or otherwise respond has expired.
 4. Default was entered by the Clerk of Court on March 13, 2008. A copy of the Entry of Default is attached hereto marked as Exhibit B and incorporated herein by reference.

WHEREFORE Defendant and Third Party Plaintiff Bank of Hawaii moves this Court to make and enter judgment against Third Party Defendant Lucy M. DL Guerrero for all sums which may be adjudged against Bank of Hawaii in favor of Plaintiff Douglas F. Cushnie, individually and as sole proprietorship in this matter.

CARLSMITH BALL LLP

DATED: Saipan, MP, March 20, 2008.

/s/ John D. Osborn
JOHN D. OSBORN
Attorneys for Defendant and
Third Party Plaintiff, Bank of Hawaii